

Mail Stop Interference
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Paper 1
Entered: 23 July 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Gene Eggleston, Mitch Hansen,
Richard Krebs
Junior Party,
(Application 09/095,325),

v.

Mihal Lazaridis, Gary P. Mousseau
Senior Party,
(Patent 6,219,694).

Patent Interference 105,700 (JL)
Technology Center 2100

DECLARATION – 37 CFR §41.203(d)

- 1 An interference is declared (35 U.S.C. § 135(a)) between the above-
- 2 identified parties. Details of the application(s), patent (if any), reissue application
- 3 (if any), count and claims designated as corresponding or as not corresponding to
- 4 the count appear in Parts E and F of this DECLARATION.

1 **Part A. Judge managing the interference**

2 Administrative Patent Judge Jameson Lee has been designated to manage the
3 interference. 37 CFR § 41.104(a).

4 **Part B. Standing order**

5 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
6 DECLARATION. The STANDING ORDER applies to this interference.

7 **Part C. Initial conference call**

8 A telephone conference call to discuss the interference is set for **10:30 a.m.**
9 **on September 8, 2009** (the Board will initiate the call).

10 No later than **two business days** prior to the conference call, each party shall
11 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 CFR § 41.120 & 204;
12 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

13 A time periods for taking action during the motion phase are set in an order
14 accompanying this declaration.

15 **Part D. Identification and order of the parties**

16 **Junior Party**

17 Named inventors: Gene Eggleston, Cary, Illinois
18 Mitch Hansen, Fox River Grove, Illinois
19 Richard Krebs, Cary, Illinois

20 Involved Application: Application 09/095,325, filed June 10, 1998

21 Title: Method and Apparatus for Rate Governing
22 Communications

23 Assignee: Motorola, Inc.

1

2 **Senior Party**

3

4 Named Inventors: Mihal Lazaridis, Ontario, Canada
5 Gary P. Mousseau, Ontario, Canada

6

7 Involved Patent: 6,219,694 issued from Application 09/087,623,
8 filed May 29, 1998

9

10 Title: System and Method for Pushing Information from
11 a Host System to a Mobile Data Communication
12 Device Having a Shared Electronic Address

13

14 Assignee: Research in Motion Limited

15

16 The senior party is assigned exhibit numbers 1001-1999. The junior party is
17 assigned exhibit numbers 2001-2999. 37 CFR § 41.154(c)(1); SO ¶ 154.2.1. The
18 senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

19 **Part E. Count and claims of the parties**

20 **Count 1**

21 The count is Claim 60 of Application 09/095,325 or Claim 28 of
22 Patent 6,219,694.

23 The claims of the parties are:

24 Application 09/095,325: Claims 56-63 and 65

25

26 Patent 6,219,694: Claims 1-36

27

28 The claims of the parties that correspond to Count 1 are:

29 Claims 56-63 and 65 of Application 09/095,325

30

31 Claims 1-36 of Patent 6,219,694

1 The claims of the parties that do not correspond to Count 1, and therefore are
2 not involved in the interference, are:
3

5 Application 09/095,325: None

7 Patent 6,219,694: None

Benefit

10 The parties are accorded the following benefit for Count 1:

11. Eggleston Application 08/574,528, filed December 19, 1995.

12
13 Research in Lazaridis: Application 09/087,623, filed May 29, 1998

14 Part F. Heading to be used on papers

The following heading must be used on all papers filed in this interference,
see SO ¶ 106.1.1:

Filed on behalf of: *Party @*
By: *Counsel Name(s) @*
Address @
(@ @ @) @ @ @ - @ @ @ @ (telephone)
(@ @ @) @ @ @ - @ @ @ @ (facsimile)

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1 **Part G. Order form for requesting file copies**

2 When requesting copies of files, use of SO Form 4 will greatly expedite
3 processing of the request. Please attach a copy of Parts D and E of this
4 DECLARATION with a hand-drawn circle around the patents and applications for
5 which a copy of a file wrapper is requested.

/Jameson Lee/

Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 6,219,694
Copy of claims of Application 09/095,325

cc (via overnight delivery):

Attorney for Eggleston:

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